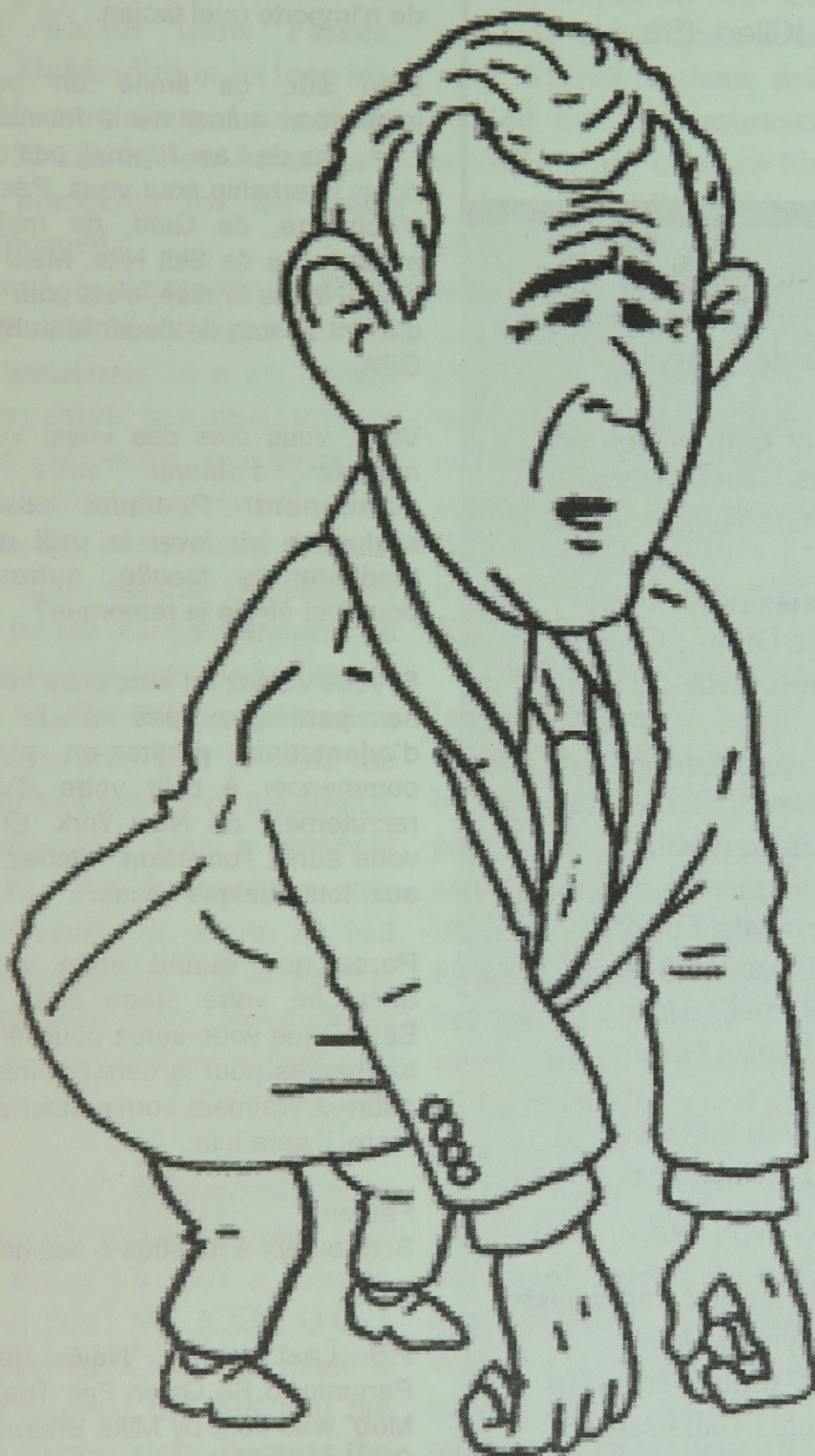


Quid Novi

McGill University, Faculty of Law
Volume 24, no. 17 - March 9, 2004



George W Bush has recently made a speech on the urgent need to stop religious and governmental institutions in the U.S. from allowing gay couples to get married. 200 years of American jurisprudence on the definition of marriage can't lie, he says.

Maybe someone should tell him about all the species in natural history that didn't evolve and are not around anymore...

He might get the point.

EA De

In This Issue...

- | | | | |
|------------|---|------|--|
| 3 | How to be Sued for Professional Liability Without Even Trying | 9 | Viviana's Educational Equity – Part I |
| | | 11 | Les vraies invasions barbares |
| | | 13 | In from the Cold |
| TO STEPHEN | | MISC | |
| 4 | Politics Suck | 14 | Ratio Decidendi Part II |
| 4 | A Big Thanks | 15 | A Tribute to Professor Klinck's 20 Years at McGill |
| EQUITY | | 15 | Video Killed, Etc. |
| 5 | Charlie's Special Report on Educational Equity – Episode II | | |
| 8 | Naomi's Unspeakable Shame – Episode II | | |

Quid Novi

3661 Peel Street
Montréal, Québec
H2A 1X1
(514) 398-4430

quid.law@mcgill.ca
<http://www.law.mcgill.ca/quid>

The *Quid Novi* is published weekly by the students of the Faculty of Law at McGill University. Production is made possible through the direct support of students.

All contents copyright 2004 *Quid Novi*.

Les opinions exprimées sont propres aux auteurs et ne reflètent pas nécessairement celles de l'équipe du *Quid Novi*.

The content of this publication does not necessarily reflect the views of the McGill Law Students' Association or of McGill University.

Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: quid.law@mcgill.ca

Toute contribution doit indiquer l'auteur et son origine et n'est publiée qu'à la discrétion du comité de rédaction, qui basera sa décision sur la politique de rédaction telle que décrite à l'adresse:
<http://www.law.mcgill.ca/quid/edpolicy.html>.

Contributions should preferably be submitted as a .doc attachment. All anonymous submissions will be rejected.

Editors-in-Chief
Fabien Fourmanoit
Patrick Gervais

Assistant Editors-in-Chief
Carinne Hébert-Sabourin
Rosalie-Anne Tichoux Mandich

Managing Editors
Amélie Dionne Charest
Andrea Gede-Lange

Layout Editors
Nevena Lalic
Lindsey Miller

Associate Editors
Noah Billick
Michelle Dean
Michael Hazan

Web Editors
Luisa Cetina
Aram Ryu

Cover Artists and Cartoonists
Ayman Daher
Émélie-Anne Desjardins
Dennis Galiatsatos

Editor's Note...

32 mois ½

Des portes tournantes! Je pense qu'on devrait faire installer des portes tournantes. Tout le monde se dépêche tellement de sortir d'ici anyway, pourquoi leur compliquer la vie?

Cent cinq crédits: si vous calculez bien, il suffit de trente-deux mois et demi pour passer à travers. Ça, c'est 17,5 crédits par session pendant 3 ans. Ou 16 crédits, et 9 crédits répartis sur 2 étés. À la portée de n'importe quel taouin.

Bien sûr, ça limite un peu votre implication autour de la faculté. Pas de LSA, pas de Law Journal, pas de human rights internship pour vous. Pas non plus d'échange, de Quid, de majeure, de mineure ou de Skit Nite. Mais bon, tout ça, qu'on se le dise, c'est pour les losers qui ont besoin de fleurir la nullité de leur GPA.

Vous, vous êtes des vrais! Vous, vous méritez d'obtenir votre diplôme **maintenant!** Pourquoi essayer de s'éduquer, ou lever le petit doigt pour améliorer la faculté, autrement dit, pourquoi être à la remorque?

Si vous voulez un truc, entre vous et moi, ne participez pas à la semaine d'orientation; profitez-en plutôt pour commencer à polir votre CV pour le recrutement de New York. Et dès que vous aurez l'occasion, bitchez ceux qui, eux, font quelque chose.

Parce que quand enfin vous aurez décroché votre stage chez Biggar & Bettar, que vous aurez poussé les portes tournantes pour la dernière fois, là, vous pourrez vraiment commencer à vivre. Le reste, il sera loin...

Fabien,
Schtroumpf à lunettes à ses heures

P.S. Last week's "News Item: Steve Panunto to Be Given Fair Trial By Angry Mob" was sent by Mike Brazao (Law III). Stephen had been made aware of the identity of the author, but we screwed up and his name didn't appear in the Quid. Our apologies to everyone.

How to be Sued for Professional Liability Without Even Trying

by Professor William Tetley

No one had been sued for professional liability at the Montreal law firm of Martineau Walker (now Fasken, Martineau, DuMoulin) in its long history, until I came along. I joined the firm in 1952 out of law school and had been practicing for ten years, when it happened.

I received a claim for personal injury for \$5000 caused to an American passenger in a car, struck by a drunken driver in a small town in one of the Maritime provinces of Canada. I did not do personal injury work and in any event could not handle such a claim outside Quebec, but it was sent by the claims manager of a very important maritime law client in New York- Marine Office of America. I tried to convince him to send the case himself to a lawyer of his choice, but the passenger was a personal friend of his and I was "the only lawyer in Canada in whom he had complete confidence". (Up to that time, I had been very fortunate in everything I had handled for him.) He added that the case "was open and shut". Oh yes!

I looked up the maritime provinces in the legal directories and the only lawyer in the town was a lawyer, whom I will call Mr. XXX, Q.C. I sent the claim to XXX and made it clear that I wanted the suit and the writ served immediately, because the delay to sue was one year in Quebec and most other jurisdictions. He replied that he would comply and

later that he had complied. 18 months later he advised that he had issued, but not served the writ and the claim was now out of time. I asked him to send \$5,000 without delay and he replied that his insurance company would not pay or allow him to pay.

I consulted Bob Walker, Q.C., one of the partners, of Martineau Walker who looked at the file and saw that it was perfect, from our point of view. (No doubt not every one of my files would have been that good.) Bob said our reputation was at stake and we could not pay, nor would our insurers. (In retrospect, I realize I should have insisted that we pay and then sue Mr. XXX.)

The New Yorker hired a Montreal lawyer, who sued Martineau Walker Allison Beaulieu and Tetley (as it was by that time) and all the partners were personally named in the writ and served with a statement of claim. Harold Walker, Q.C., one of the founders of the firm nearly sixty years before and now Counsel, was astounded when he received his copy of the proceedings and said to another partner, Peter MacKell, "Aren't you glad it wasn't you?" Peter, a very good friend, whom I had known since the age of sixteen, immediately came into my office to advise me of Mr. Walker's comment. My anger directed towards Mr. XXX and my angst in respect of my client in New York were unbounded, but using damage control, we hired William Grant, Q.C., of Howard, Cate, Ogilvy,

Bishop, Cope, Porteous & Hansard (now Ogilvy Renault) to represent us and he called Mr. XXX, Q.C., into the proceedings as "defendant in warranty".

Eventually, just before trial and after my embarrassment at being personally examined on discovery, XXX's lawyers suddenly settled, paying the \$5,000, interests and court costs. Bill Grant generously charged nothing, but finally accepted \$500.00, a minor sum in the circumstances.

A week later I read in the paper that Mr. XXX had been elected in a provincial election and had been named Attorney General in the new government of his province.

In 1968, I went into Quebec provincial politics, as a member of the National Assembly and as a cabinet minister, but Mr. XXX's and my paths never crossed at inter-provincial conferences or elsewhere. In 1976, I left politics and became a law professor at McGill and in 1982, was invited to speak on consumer protection at a conference of Provincial Court Judges in Vancouver. As I entered the large conference hall, I noticed that one of the persons on the list of attendees was the Hon. Judge Mr. XXX. Someone pointed him out as the large figure across the room and as I approached, he turned to me, held out his hand and said "Mr. Tetley, I believe I owe you an apology". We shook hands, mumbled a few nothings and that was the first and last time I met Mr. XXX. ■

Politics Suck

by Carol Gagné (Law II)

Last week, I had the opportunity to witness a question and answer session in Parliament. My firm conclusion was that I never want to be a politician. It was truly amazing to see first-hand what political posturing is all about and how little it accomplishes.

After my disenchantment with federal politics, I turned my focus towards something closer to home – the LSA Council. To my surprise and horror, it is just as bad.

At their last meeting, council voted to use Stephen Panunto as the scapegoat for their internal problems. Claims were made that this motion was nothing personal, that it was necessary to show that Council is a serious organization that must be respected. I don't believe it for a second. The internal problems of the LSA run deep, including a lack of profession-

alism and inability to communicate. I won't say that Stephen is pure as the driven snow, but neither am I, nor is anyone else who was at that meeting.

Stephen is responsible for several things: getting 50 students to Halifax for a great experience, helping to encourage intramural teams, organizing a golf tournament, and creating a budget for Law Games. He is not an accountant, so he needed to rely on assistance from the VP Finance to create an accurate budget. Instead, he got uncooperativeness and bad communication. When this relationship failed, where was the rest of the Executive and why weren't they trying to help create a workable environment? However, the only person being blamed for whatever failures are perceived in the Law Games budget is Stephen.

The failures of this budget have been since sorted out. They began because Stephen was unaware of the expectations for reporting and some of the receipts were difficult to get from Law Games Canada. When challenged on the budget, Stephen reacted and clarified the points at issue. The response? He was challenged on other points. He responded. He was challenged on something else. He responded. Am I the only one who sees a communication problem here?

Now the issue has been resolved by censuring Stephen for all his hard work. Rather than recognize problems in the whole organization, it is much smarter politically for Council to place the blame with one person. Fine. I guess they have to do the right political thing. The moral of the story seems to be that playing politics is not a game for the honest and the well-meaning.

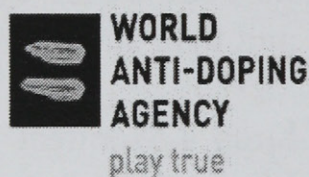
But I'm not satisfied with this ending, so let me say this: Thank-you Stephen for all your hard work in making Law Games a great experience for me. Maybe you made a mistake, maybe it wasn't your fault, but this argument is meaningless in comparison with the success of the event you organized.

I guess I'm no politician. ■

A Big Thanks to Stephen...

by Andrea Cleven (Law III)

I'd just like to say a BIG thank you to Stephen Panunto for all of the work he has put into organizing events at the faculty and his unfailing willingness to help out with anything and everything. Whether it's putting together a golf tournament for the LSA, working the bar at Coffee Haus, subbing for all those hockey teams, or staying up all night to help finish the yearbook... Stephen, you're the best. I've never met anyone so dedicated and involved and I can honestly say that law school would not have been the same without all of your hard work. In light of everything that has been said regarding the loss of money on the way to Law Games, I think it is also important to say how much we appreciate everything you have given to this faculty - and to thank you for it!



WADA coming to our Faculty Wednesday 24 March at 1 pm

Mr Olivier NIGGLI

CFO and Director of Legal Affairs

Mr Rob KOEHLER

Deputy Director, Standards and Harmonization

Will be presenting and discussing the legal implications of the World Anti-Doping Code (on countries and athletes), Testing procedures (among others: strict liability; therapeutic use exemptions) and Sports Arbitration.

For more information on WADA, the Code, IS and TUE: www.wada-ama.org

You can also contact: Viviana Iturriaga Espinoza at miturr@po-box.mcgill.ca

Special Report on Educational Equity: Episode II – The Solution

by Charlie Kuo (Law IV)

I realized that I have made a mistake building up too much suspense in my previous submission to the Quid regarding the optimal solution to the under-representation of certain minority groups in our faculty. For the last couple of days, I have been cornered in stairwells and interrogated by equity enthusiasts who want an immediate answer. Contrary to what some people think, this solution is nothing magical and like any other optimal solution, although it is simple and realistic, it is imperfect. The proposal should be no secret by now as it has been disclosed by my colleague Samantha Lamb in her article published in the previous Quid. For those who haven't read Sam's article, the suggested solution is the mentor program for students from under-represented minority groups. This program has been proposed by former members of the Educational Equity Committee along with other plans. Upon reviewing all the alternatives, Sam and I decided to adopt the mentor program because it is the most effective and the least controversial solution that focuses on the core issues of the existing educational inequity. In this article, I will detail the reasons for my preference of the mentorship program over other solutions as well as our implementation plan for the program.

The Causes of the Under-Representation

In my previous Quid article, I eliminated systemized discrimination as the prime suspect of the under-representation. After reading my last submission, some of my friends have requested that I write about my personal experience as an allophone student and a member of a visible minority in the faculty. I believe this request is based on their best intention to search for evidence of systemized discrimination that impede application and participation of minority students in our faculty. However, upon much reflection, aside from a few ignorant racial jokes or honest comments regarding cultural preferences made by people who are now my friends, I cannot recall any encounters or identify any institutional barriers in the faculty that can remotely qualify as any overt or covert form of discrimination. As an institution, as a stu-

dent body, I sincerely believe that we can be proud of our open-mindedness and passion in cultural diversity.

If we are so great, why can't we attract more students from the immigrant/refugee communities? My answers for this question are, in short: inherent barriers, misperception and the consequent vicious cycle. Doubtlessly, certain inherent barriers such as language, cultural or financial barriers that are unique to the first generation immigrant/refugees may make many qualified candidates hesitant to apply for law school. In my previous article, I argued that we have no right to interfere with their decisions to go into other academic or professional disciplines where they are less handicapped, provided that they are well informed in their decision-making. I stand firm by this argument and oppose any affirmative action or empowerment schemes that are not only divisive but also degrading to minority students. Such spoon-feeding tactics may be effective in the short run in increasing the volume of application but will hurt minority students in the long run as they grow dependent on the subsidizing system and indulge themselves in self-pity.

The pressing concern we have now, however, is that few potential applicants from certain minority communities are informed enough about law school and the legal profession to make an enlightened decision. The existing under-representation of minority students in law schools has rendered it difficult for applicants from these communities to find mentors from similar backgrounds to talk about their specific concerns. As a result of this absence of information, most of the applicants base their decision-making on speculation and stereotypes shaped by TV drama and law shows which are, without doubt, unfavorable to their decision to apply. They may have exaggerated the existing inherent barriers and mentally erected barriers that do not exist. This distorted perception, in turn, breeds fear and anxiety. Consequently, unless their passion for law is overwhelming, the easiest way out of this emotional struggle is to drop the application

and pursue other interests. The resulting low volume of application feeds back to the vicious cycle of under-representation where there are never enough minority students around to facilitate potential applicants' decision-making.

The Common Misperceptions

I believe the most common misperceptions of McGill Law School shared by minority potential applicants from the immigrant/refugee communities center around their concerns over language skills, social integration and job prospects. I'd like to take this opportunity to demystify certain misled beliefs by sharing my personal experience and observation in the faculty.

Misled Belief No. 1: "You must be an Anglophone or Francophone in order to do well in McGill's Faculty of Law." Not true. Most of the allophones I know in the faculty are academically accomplished and some of them have outstanding grades despite their language disadvantages. Of course, there are others who consistently flush their transcripts down the toilet. Knowing the way they study, I seriously doubt their bad performance has anything to do with the fact that their mother tongue is neither English nor French. The common wisdom shared by upper year law students is that whether or not one can do well in law school depends on how smart and efficiently she works. I believe linguistic background is only relevant under extreme circumstances and can be overcome by some extra work and perhaps, some strategizing. You may think I am being over-optimistic, but many allophones in our faculty are living proof of the above statement.

Misled Belief No. 2: "Minority students are marginalized in the law faculty." Couldn't be further away from the truth. However, potential applicants who sneaked into the faculty on espionage missions may find the Skit Nite and Coffee House (depending on which day they go) pretty unpromising scenes if they are looking for visible ethnic diversity. They may have a hard time believing what I am about to say. However, many of you will agree with me that the social life of our ►

student body is a free choice. While we are free to get involved in as many extra-curricular activities as we like and make a big social network within the faculty, we are also free to concentrate on studying or spend quality time with our friends and loved ones outside of the faculty. Whatever choice we make is respected in this faculty regardless of our cultural origins. No one can force us to or not to participate in Skit Nite or go to Coffee House on a regular basis. The truth is that most of the minority students I know do not feel they are minorities in this faculty.

Misled Belief No. 3: "It is difficult for certain minority students to get a job in the legal profession upon graduation." Now we are getting into a very sensitive area. I cannot guarantee the fairness of the legal job market the same way I guaranteed our faculty and student body. For those of us who have gone through the on-campus recruitment, we know it's a jungle out there. What kind of experience you will have with your job-hunting process depends on the people you meet. Sometimes you meet nice ladies who give you candies and other times sharp-teethed sharks walking on two legs. Almost everyone I know, regardless of their cultural background, have a scary story to tell. Since I am acutely aware of the fact that it is the Montreal recruitment season, I do not want to cause extra anxiety by further pursuing this topic. Just to cut to the chase, I think finding a job is an unpleasant process for everyone, and students from certain minority groups have a few extra things to watch out for, particularly if they are looking for a job in the private sector. Although our society has a big demand for minority lawyers to serve an increasingly diverse population, the transformation of this demand into job postings available for law student applications has been grudgingly slow. However true this challenge is, its difficulty should not be exaggerated. In fact, after 3 years of whining and complaining, most of the minority students I know landed a job. Some of them even turned their language liability into an asset by selling their diverse language skills and cultural understandings to international organizations or law firms that are serving increasingly diverse clienteles.

The Mentor Program

To break the vicious cycle that is generated by the above misperceptions, the best way to approach it is to provide an organized flow of accurate information to our potential applicants from certain minority groups. This

objective can be achieved either through an out-reach program, a mentor program, or a combination of both. The out-reach program, where the faculty sends a couple law students to conduct information seminars in various educational institutions of diverse minority groups, is an excellent mechanism to provide accurate information to potential applicants. In fact, the Educational Equity Committee has been implementing this program for years. Last year, the Committee, joined hands with the Black Law Students Association and the Admissions Office, and organized a one-day information forum in our faculty. A similar program has also been implemented to reach out to the Aboriginal communities. In spite of the success of the out-reach program, I prefer prioritizing the mentor program for the following two reasons:

First, the out-reach program is difficult to maintain. Resource-wise, it puts too much strain on the Committee and the Admissions Office. Furthermore, to target a specific minority group, we need to have someone who can empathize their specific needs on the Committee to facilitate trust-building and provide relevant information. Since the members of the Committee change every year, it is difficult to maintain several out-reach programs targeting a wide range of minority groups at the same time.

Second, the mentor program already has deep roots in our faculty. The LSA has been conducting the Law Partner program for years; the Admissions Office has the Ambassador's program; the Career Placement Office has been sending students to career mentors. As a matter of fact, all of them have attempted to address the equity issue raised in this article. However, their efforts are subject to various restrictions: they are responsible for the general administration of the mentorship programs which leaves them with very few resources to focus on or specialize in equity issues. Furthermore, educational equity is a rather thorny issue, a pink elephant in the room that everyone hesitates to talk about because it is easy to be politically incorrect. (Who would've thought the word "empowerment" bears a negative connotation that could be offensive to certain minority groups.) Therefore, I fully understand these organizations' limitation to openly solicit mentors for minority student groups and I believe this is where the Educational Equity Committee should come in.

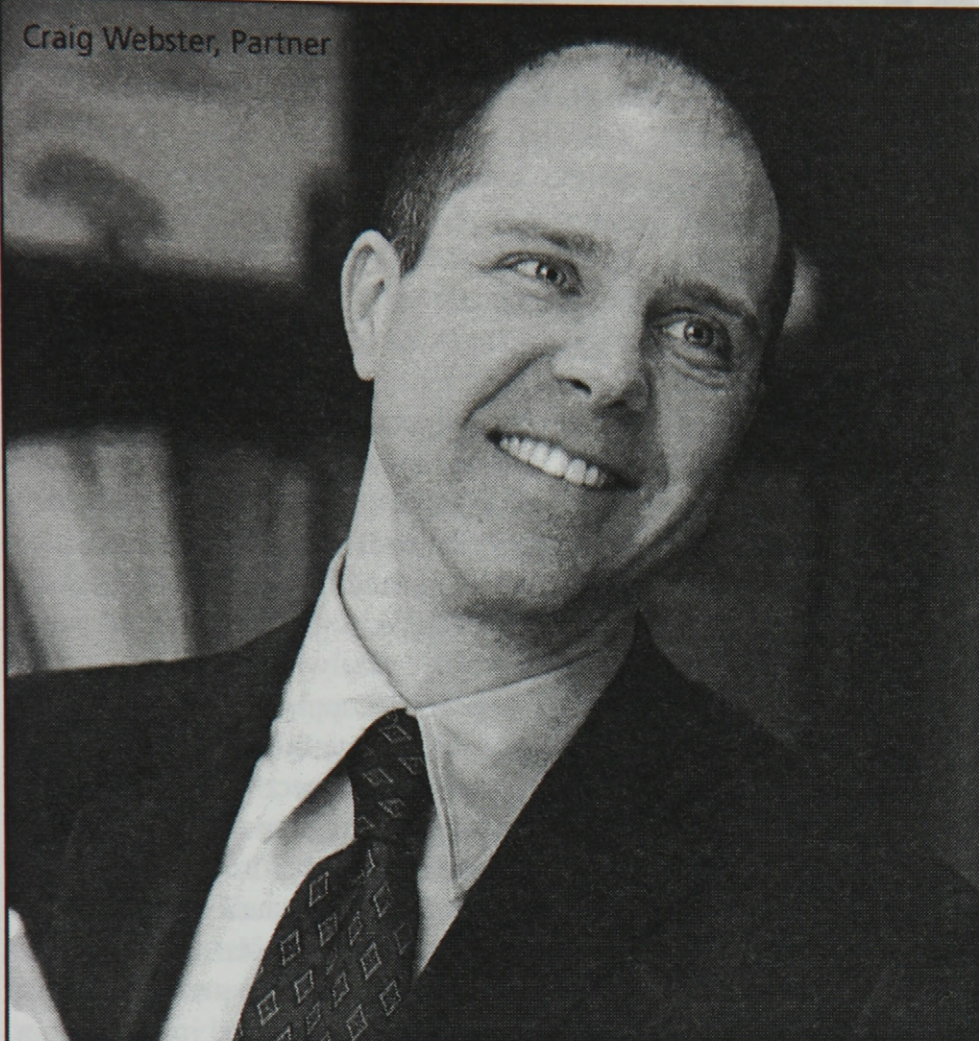
As any optimal solution ought to be, our proposed mentor program is cost-effective and easy to implement. It is not aimed to

"streamline" the existing mentor programs, but simply to reinforce them. By building a database of mentors for under-represented student groups, we provide additional resources to the LSA, the CPO and the Admissions Office without imposing undue administrative burdens on them. After we build up the mentor program this year and maintain it for another couple of years, it will be firmly institutionalized. The best of all is that very little work is required from everyone involved: mentors only need to share their experience with students by phone, e-mail or over a cup of coffee and the Educational Equity Committee only needs to send out a notice (and perhaps organize a training seminar) once a year. The LSA, the CPO and the Admissions Office will have no extra work but the benefit of owning a bigger resource pool to respond to students who are in need of help and guidance. After the mentor program is well established, the Educational Equity Committee can also expand its existing out-reach programs by making good use of the database. The biggest winner of all is our faculty which gets to improve our tainted image of an elitist educational institution.

By writing this article I know I have made some of us uncomfortable because I may have disturbed the unspoken harmony in this faculty. However, I insisted on writing it because the status quo raises disconcerting equity issues that have profound social ramifications. By openly talking about the equity issue and working on the necessary solution, we are already one big step ahead of other law schools which are still hesitating to face the issue. As a minority student who's never felt like a minority member in this faculty, I am proud of our faculty and our student body. We are great, but we need to communicate this greatness to the outside through open discussion and the implementation of our solution.

Sam and I are both graduating this semester and we need help from you. We need people from various under-represented student groups (which we identify as race & ethnicity, financial, age, sexual orientation, and disability) to sign up for our mentor program, and others to sit on the Educational Equity Committee next year to carry on our torch and to continue the open discussion. If you have any comments or are interested in signing up for our mentor program, please e-mail Sam or myself at: samantha.lamb@hotmail.com or kuo2@po-box.mcgill.ca. We'd love to hear from you. ■

Craig Webster, Partner



WWW.BLGCANADA.COM



Craig Webster, Cyclist

REAL LAW...

REAL LIFE.



BORDEN
LADNER
GERVAIS

Challenge yourself in law and in life.

Talk to a member of our National Student
Recruitment Team directly.

CALGARY

Colin MacDonald
403-232-9523

MONTREAL

Janet Casey
514-954-3125

OTTAWA

Walter DiCesare
613-787-3509

TORONTO

Laleh Moshiri
416-367-6133

VANCOUVER

Marketta Jokinen
604-640-4176

Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.

Borden Ladner Gervais LLP

Lawyers • Patent & Trade-mark Agents | Avocats • Agents de brevets et de marques de commerce

The Unspeakable Shame, Episode II

– Out in the Open

by Naomi Kikoler (Law I)

Justin Trudeau wants to send young Canadians to Ghana or the Northwest Territories for them to learn about civic duty and the challenges facing certain populations. Before we start packing our bags, let's think a minute. Perhaps we can gain the same benefits by just staying put and confronting head on a serious issue that is affecting higher education, our faculty, the legal profession and society at large – the lack of student diversity in institutions such as our own.

To do that, we need to stop coming up with token solutions and address the external factors that one of last week's writers deemed was "beyond our control". We need to address the pervasive problem of the lack of real socio-economic and cultural capital diversity in our faculty, which manifests itself in a lack of "visible" and "non-visible" diversity. By cultural capital I mean the frames of reference that people grow up with.

McGill Law students tend to be an incredibly privileged group of people. I am not referring to the fact that we beat the numbers game and were accepted. Nor do I mean that we are privileged purely in a financial sense. What I mean is that the vast majority of us in this institution, and in most areas of university education, are privileged in regards to our familiarity with the idea of higher education, our experiences prior to applying, and in some cases, our exposure to fields like the law. To put it bluntly, if you grow up with a certain amount of financial security, surrounded by people who have gone or will be going to university, and/or by people who are professionals and work in fields like the law, there is a higher likelihood that you will go to university, than if you grow up without some or all of those influences.

My concern is that as a publicly funded university should we not be doing a better job of being more reflective of society at large? On another level, how can we as students advocate for the retention of publicly funded university education when in reality the bulk of people paying for the system are not the ones whose children will be entering it. Are we not then to a degree just subsidizing the education of those who have grown up

"in the know," and maintaining the elite nature of university education and in some capacity the field of law? We need all young Canadians regardless of background to view higher education as an opportunity that is open to them, that they are entitled to, and that they should feel comfortable seizing. People do not need to take the opportunity as there are many worthy professions out there that do not require a piece of paper stating that you survived three or more years of often theoretical study – but it should be an option available to all. Right now that is realistically not the case.

As a result I believe that we have a responsibility as the benefactors of today's system to level the playing field by injecting a little bit of that privilege to information into the lives of others. While it is essential that we continue to make links with undergraduate and CEGEP students from under-represented groups, it is a bit of a farce to rely on that as our sole way of improving diversity in the faculty and legal profession. In doing so we are drawing from a small body of people who have already gotten past certain barriers or who because of their access to cultural capital

did not face many barriers – but appear on paper diverse enough to appease our consciences. What we need to do is ensure that more people from all backgrounds start applying to university and in the case of Quebec, going to CEGEP with the intention of going on to university. Only then will we see an increase in potential applicants.

Great, so how do we achieve this? Well to start with we can't expect young people to come to us, we need to go to them. If they are willing to come to us before applying then they are likely part of the small group that will apply regardless of being given the opportunity to visit. Working with the premise that all a person needs is to be exposed just once to a new experience for them to re-evaluate what they are capable of doing with their life, here are my suggestions.

I agree with Samantha and Charlie's assertion that we should create a mentorship program, although the one I have in mind is a little bit different. Why not take the opportunity to advance legal education by going into Gr. 10/11 classes to talk to students who attend high schools that do not normally send people on to university via CEGEP. The ►

DIRECTEMENT DE L'IMPORTATEUR



**COSTUMES – SMOKINGS – VESTONS
PANTALONS – CHEMISES – CRAVATES...**
Importés d'ITALIE.

Rapport qualité/ prix Inégalé

Pour vos entrevues:

COSTUMES À PARTIR DE 339 \$

Une cravate offerte sur présentation
de cette annonce.

Importations **JACARDI** Inc.
2015 Drummond suite 102
ou 1205 De Maisonneuve O.
Montréal (514) 845 6067

Lun. à Ven. 11h-18h
Samedi 10h-16h

aim is not to be a recruitment officer. Rather, pairs of law students would engage the teenagers in conversations about the nature of the law, what are rules, who makes the rules, essentially this year's Foundations course revisited. Why not try to make the law something that is tangible, that they have a stake in, and believe that they can change either through one day attending the faculty of law, or taking one of the many other avenues that are open to them. With this approach we are encouraging them to view university as an option that they can seize and providing them with basic information on how they can do so. We might also be making them, and perhaps those they interact with on a regular basis such as their families, more aware of certain aspects of the legal system. Given our limited resources perhaps law students could make two half-day visits to the classrooms. That would be followed by having the students visit the faculty. Coming to the faculty for the first time can be an intimidating experience for many, myself included. Even choosing which door to open to the faculty ... the one by the library vs. the one at Old Chancellor Day Hall, can make one feel self-conscious and act as a barrier in itself! Why not make these teenagers comfortable with their surroundings? Give them a tour of the faculty and then have them take part in a mock lecture in the Moot Court. Let us create an environment where when they sit down in the Moot Court they believe that if they work

hard enough, in a couple of years, they can be in that same seat again.

If we are daring enough and can gather the manpower for a multi-pronged attack hitting undergraduate, CEGEP, and high school students, why not hit one more group, yep, kids. Ok, now you think I have really lost it. Well, from what I can tell no one else is doing a very good job of motivating young people or introducing them to the law, so why don't we brainstorm about ways that we as law students can fill that void. Why not latch on to an existing Montreal program like the McGill-based group Peace by Peace. They go into Gr. 5/6 classrooms in specific neighbourhoods and teach kids about conflict management skills. Why don't we ask them to add into their curriculum a one day section where the kids are asked to think about who makes rules, why they are made, what do lawyers and social workers do, etc. Essentially bring them one of MacDonald's chocolate bunnies and see what they do with it. To end it off why not ask them to go home and talk to their families about what they think the law is. Even though I had never met a lawyer before, in grade 5 I told my best friend that I was going to be a lawyer ... that was after a failed attempt to be a ballerina! Perhaps through our efforts, the presence of university students, and our belief in their potential, one little kid will become inspired. Then again just getting them to talk about the topic can be considered a success in itself.

So what do we get out of this whole process? Well, ideally a situation where the diversity question is not such a big deal. Where people do not look around after their first class or after talking to their classmates, pause and say, hmm, something is not right. Where people do not gasp internally at the lack of awareness that at times their classmates, professors, and faculty exhibit in regards to their understanding of the struggles and experiences of others. By going into these schools the students we interact with will hopefully be able to learn from and be motivated by us. At the same time, there is a lot that we can learn about the issue of diversity and the challenges that some people face from talking to them, and for that matter, from talking to each other here at the Faculty.

*"Because most students believe what they are told, explicitly and **implicitly**, about the world that they are entering, they behave in ways that fulfill the prophecies the system makes about them and about the world ... resist!"*

- Duncan Kennedy, "Preface," Essays on Legal Education.

On that note, let's keep getting rid of barriers. Feel free to contact me at naomi.kikoler@mail.mcgill.ca if anything I have written peaks your interest, or write a response in the Quid. ■

Educational Equity – Part I: Imperfect Theories

by Viviana Iturriaga Espinoza (Law III)

[Beware: although I auto-censored part of this article, the reader might still perceive politically incorrectness – these are my personal perceptions and unproven and imperfect theories.]

Charlie, that was a great article! I don't have an answer or a solution but I do share the concern regarding the underrepresentation of minority groups within our society. Being President of the Latin American Law Students Association (LALSA) I have often asked myself what means could be used to promote the study of law within the Latin American community and how we could, with our legal education, reach out to them and provide sound legal advice. LALSA came up with a couple of projects but each one of them has had – and is still having – obstacles to surmount. The obstacles are found within the group, within

the Faculty (professors, students, institution) and within the community and society.

Avant tout, I don't often think of myself as a minority but since I'm a mature Montreal Chilean student woman with a Francophone education (does this make any sense? English is a very flexible language but I sometimes exaggerate...), plus a practising Protestant I guess I do come under a multi-minority label... Overall, my experience as an allophone has been a very positive one and I think that it is largely due to the excellent reception we, my sister and I, had at the elementary school we attended. To that first contact I owe my love of French and Québec culture. It might be a cliché, but they accepted us and we accepted them. Regardless of the fact that I cannot complain about my academic or work experience as a minority, I can observe that the *clivage ethnique* continues to prevail and

that the Latin American community, although in great number in this city, is clearly underrepresented in professional circles. Why?

The insidious system (1st theory)

(1) *Immigrants are not invited to participate in "higher" circles (no space is made for them)*

A couple of my allophone professional friends believe that if we (immigrants) want to have access to an interesting job which provides decisional power we must either (i) create it ourselves, (ii) be a non-visible minority (blend in) or (iii) move to another province. I do tend to agree with this opinion. I know of dozens of cases of well educated professional who despite the years of *expérience canadienne* are unable to get a promotion. Why? Because "the system" prefers a *pure laine* to an immigrant – even though that immigrant ►

might be better qualified...*C'est le nivellement par le bas*. Why? Maybe because baby boomers are still enjoying the benefits of *la Révolution tranquille* and are unwilling to share a slice of the cake or maybe because people are scared that the *voleurs de jobs* will gain power...!?!)

(2) *Discouragement*

I have noticed that well motivated (*qui veulent se faire une place*) people participating in this system get seriously discouraged. Not only must they compete on the first set of rules but they must also prove that (a) their "third world" education is as valid as their colleagues' and (b) that if ever they do possess a "superior" knowledge this knowledge will not outshine the rest of the group.

(3) *Servile gratitude*

When they do access a higher position within the system, many tend to feel (or are made to feel) that they were the object of an underserved favour – or – if ever they do not believe it, they feel they must act it (servile humility and gratitude.) Others feel the need to look down on their origins, distancing themselves from the community in order to better assimilate themselves (blending in.)

My first theory is the result of what I have noticed and what I have discussed with my immigrant friends (a recurrent subject of debate). The next questions are: can we address this problem and how can we tackle it.

Addressing the problem

Can we address the problem? In a society as multicultural as ours (with the dramatically low natality it will be ever increasingly diversified), the problem does not and should not solely concern immigrants but everyone. Obviously, not everyone can care about this issue or feel compelled to act – after all, we do live in a highly individualistic society...but, for how long? For how long can we permit ourselves being so individualistic? Yes, the problem can be addressed, but I believe it must be addressed by the society, *toute origines confondues* AND mostly, *toutes générations confondues*. What should we address? The fear found at the center of the stereotypes and the misconceptions.

Tackling It

It is mostly a generational problem (2nd theory).

I've noticed that my generation (mid 30s

francophone) is the generation that possess a sufficient (not good nor excellent) knowledge of English; the generation aged between 25 and 28 has a good/excellent knowledge of both French and English; and the generation freshly out of cegep has an excellent knowledge of French and English plus a good grasp of a third or fourth language. Why? Simply because they have grown up with a greater number of immigrants and because the school system (elementary, secondary and cegep) has inserted the teaching of a third language into their curriculum.

As a result the younger generations are better acquainted with one another and more opened to their respective realities. It seems not much can be done with older generations but much can be done with younger ones. Nevertheless, until retirement comes, we still have to deal with them...

** Since I promised Fabien that I would only write two pages (and the fact that Part II will need to be re-read and censored a couple of times so I don't get expelled for *crime de lèse-majesté*) I will resume in the upcoming Quid...■

Your career is on track.

If IP law is what you want to do, why not work with the very best? We're the largest intellectual property law firm in Toronto and still the perfect size for you to know everyone. Our clients range from cosmetic manufacturers to computer developers, from individuals to international companies. Our lawyers are the leading lights in IP law in Canada.

Intellectual property law: we do it all.

For more information contact Margaret Seko, Manager, Student Affairs at mseko@bereskinparr.com

Bereskin & Parr
INTELLECTUAL PROPERTY LAW

Mississauga / Toronto / Waterloo
www.bereskinparr.com

Keep it that way.



Les vraies invasions barbares...

by Marc-André Séguin (Law I)

Ce n'est pas le rince-doigt qui fait les mains propres ni le baisemain qui fait la tendresse
- Léo Ferré

Depuis le début de la crise en Haïti, on ne cesse d'entendre et de lire un peu partout des drôles de commentaires concernant les habitants de ce pays : « ils sont un peuple enfant qui ne cessent de jouer à la guéguerre », on les traite de « sauvages », de « dangereux », on leur reproche de ne pas avoir compris les principes d'une civilisation avancée. Bref, on dit qu'ils sont gros et méchants, ces sanguinaires haïtiens. De notre lointain Québec (ou Canada, dépendamment de vos affiliations propres – n'entrons pas encore une fois dans ce débat...), nous semblons regarder de haut la plupart des situations chaotiques qui dominent les nouvelles internationales. Je ne suis pas expert de la situation haïtienne. À vrai dire, je suis même convaincu que plusieurs étudiants dans cette Faculté ont une meilleure maîtrise que moi des événements qui se déroulent dans ce coin de notre planète. D'ailleurs, je n'écris pas pour traiter de la situation politique en Haïti, mais plutôt pour traiter d'un autre phénomène qui, à mon avis, est tout aussi préoccupant : le complexe du supériorité de l'homme blanc. Je m'explique.

De notre soi-disant « civilisation » avancée avec toutes ses percées technologiques et scientifiques, avec ses soi-disant climats politiques plus sains et ses belles chartes, nous avons trop souvent tendance, en tant qu'occidentaux, à regarder de haut les troubles des autres pays. Nous croyant comme imbus d'une quelconque sacro-sainte vérité, nous nous permettons de voir et critiquer les problèmes des autres comme si nous avions affaire à une bande de barbares.

À vrai dire – et je vous mentionne ceci en connaissance de cause, même plusieurs coopérants internationaux ont tendance à regarder avec un soupçon de snobisme les réalités des pays dans lesquels ils oeuvrent. C'est d'ailleurs pourquoi ils ont tendance à dire qu'ils vont « aider » des gens, qu'ils s'en vont « leur montrer » des choses, « leur construire » des écoles, des puits... tout comme si ces braves gens n'étaient pas capable de le faire eux-mêmes (à vrai dire, ne serait-ce pas plus efficace de financer de tels

projets tout en embauchant de la main d'œuvre locale, qui vit déjà de si hauts taux de chômage ?)... On parle des habitants des Tiers mondes comme étant des « pauvres », on leur donne aussi l'appellation – un peu plus enrobée de sucre, celle-là, de défavorisés. Toutes ces qualifications du travail des coopérants internationaux ainsi que notre façon de définir les habitants des pays des Tiers mondes sont encore une fois le signe de notre manque flagrant de mémoire – ou de notre hypocrisie.

Ne pensez pas que je qualifie tous les occidentaux comme étant arrogants et colonisateurs, mais chaque fois qu'on qualifie quelqu'un de « pauvre », on oublie quelque chose de fondamental : les peuples des Tiers mondes ne sont pas pauvres, ils sont *appauvris*. Derrière la misère de ces habitants, derrière la violence qui hante ces pays, derrière les dictatures, les inégalités se cachent trop souvent un passé marqué par le colonialisme, l'argent et la corruption de l'Occident.

On me répondra que plusieurs facteurs à l'intérieur même de ces pays sont aussi à la racine des problèmes sociaux, économiques, etc. qu'ils rencontrent et que l'Occident ne peut, soit par son passé colonisateur, soit par son ingérence actuelle, être tenue responsable de tous les maux des autres. Je concède bien sûr, mais seulement en partie, au raisonnement d'une telle réponse. Car à mon humble avis, même les facteurs internes liés au sous-développement sont souvent teintés d'une influence extérieure.

Un exemple flagrant qui me vient en tête est celui du Nicaragua. Non seulement ce pays a une longue histoire d'occupation et d'interventionnisme européens et américains, mais avant l'arrivée des Sandinistes au pouvoir en juin 1979, ce pays était aux prises avec une dictature sanglante qui ne faisait qu'accroître les inégalités et qui éliminait tout débat ou toute contestation politique. Cette dictature des Somoza fut la conséquence d'un interventionnisme américain abusif qui ne saurait être justifié que par des intérêts purement extérieurs à ce pays (l'histoire derrière le canal de Panama vaudrait, pour toute personne intéressée, la peine d'être analysée en profondeur pour mieux comprendre l'ampleur de ces intérêts).

Avec l'arrivée des Sandinistes et après u

une révolution déchirante, le pays commençait soudainement à se relever de sa situation de misère : des campagnes d'alphabétisations avaient lieu partout au pays, on expropriait des riches propriétaires terriens qui n'exploitaient pas leurs terres pour distribuer ces dernières à des coopératives agricoles, on légalisait les partis politiques, on abolissait la peine de mort. Les résultats : l'analphabétisme chuta de 50.35% à 12.96% (l'un des plus bas taux du continent), le nombre de consultations médicales augmenta, en deux ans, de 105% et la mortalité infantile fut divisée par deux.

Une guerre d'usure s'ensuivit en réponse au mouvement populaire des sandinistes. Des pays de l'Occident capitaliste menèrent en effet un combat féroce contre la volonté de ce peuple de s'éduquer et de vivre dans un climat politique sain. D'ailleurs, une des merveilles derrière le temps des sandinistes était qu'au même moment où toutes leurs réformes avaient lieu, près de 40% du budget du pays était accordé à l'armement militaire. Car les sandinistes étaient constamment attaqués par un groupe militaire du nom de *contras* situé à la frontière avec le Honduras et largement financé par les Etats-Unis (le scandale de l'« Iran-contragate » qui teinta la présidence de Reagan est d'ailleurs issu d'un de ces moyens de financement).

Les mères et les pères de ce pays, après des années de guerre d'usure, ne pouvaient plus supporter de voir leurs enfants mourir dans le Nord. En conséquence, les sandinistes furent battus aux élections de 1990. Une nouvelle période marquée par l'ingérence américaine (et occidentale) s'amorça. Depuis 1990, ce pays est encore dans une période de déclin. Les niveaux d'analphabétisme rejoignent presque ceux des années Somoza et le pays est maintenant une plaque tournante pour le trafic de drogues. La corruption domine la scène politique du pays. Une lutte acharnée contre les coopératives agricoles fit disparaître la très grande majorité de ces dernières et celles qui restent doivent se défendre quotidiennement contre des mesures visant à les exproprier, au grand plaisir des propriétaires terriens d'antan, maintenant pour la plupart fiers habitants de la ville de Miami...

Quand on constate les résultats de ►

l'interventionnisme occidental au Nicaragua, il n'est pas étonnant par la suite qu'on retrouve dans ce pays un certain cynisme lorsqu'on se met à parler des vertus du système néolibéral, ou de retrouver une immense méfiance à l'égard des pays du Nord quant à leurs bonnes intentions pour le développement des pays du Sud...

De la même façon que mes collègues au Nicaragua, je trouve aberrant de voir qu'au même moment où nous découvrons les effets de notre *Charte canadienne des droits et libertés*, au même moment où les États-Unis juraient, au nom de la *liberté*, de ne jamais laisser entrer le démon communiste dans « leur cour arrière » (une expression qui, à mon avis, constituait déjà une manifestation flagrante des réflexes d'arrogance et d'impérialisme à l'occidentale), au même moment où – comme à chaque année maintenant, nous nous étonnions des merveilles de nos progrès technologiques, que nous puissions encourager des guerres civiles déchirantes au nom de nos intérêts propres en sachant très bien que nous étions en train de détruire, pour les autres, précisément ce pourquoi nous vantions tant nos « civilisations » : c'est-à-dire la liberté, l'éducation, l'accès aux soins de santé, la justice distributive, etc.

NOUS venons détruire, en raison de nos intérêts propres, toute chance de progrès ou toute forme de mesures sociales dans ces pays (l'exemple de l'imposition des plans d'ajuste-

ment structurels par le FMI en est un exemple tant flagrant qu'actuel). Nous (ou nos États, avec les pressions de certains intérêts privés) leur enlevons tout pour avoir à un prix réduit les biens de consommations auxquels nous avons droit dans notre société de privilèges. Nous dépensons des milliards pour amener la mort dans de lointaines contrées mais ne sommes pas prêts à sacrifier 1% de nos transactions sur les marchés boursiers pour contribuer à l'amélioration des conditions de vie des appauvris. Nous sommes prêts à dépenser des fonds publics pour maintenir des idoles locales sur Star Académie mais tolérons que certaines gens aient à vivre de déchets dans des dépotoirs un peu partout dans le monde. Et après ça, certains d'entre nous ont encore le culot de traiter les habitants des Tiers Mondes de sauvages, d'enragés, de violents, de fanatiques...

À chaque fois que j'entends quelqu'un juger de haut la violence dans les régions appauvries du monde, je constate ce complexe de supériorité que nous avons et maintenons. Avec une telle attitude, je n'ai pas de difficulté à comprendre pourquoi on peut développer à l'extérieur une haine pour l'homme blanc. Notre société essaie de nous convaincre que nous pouvons trouver l'épanouissement en achetant un détergent à vaisselle. Notre sourire est aussi hypocrite que celui de la mascotte de Wal-Mart qui est d'ailleurs responsable de l'exploitation de

milliers de travailleurs, dont des enfants, un peu partout sur la face du globe. La violence des pays des Tiers Mondes ne serait pas non plus causée par une frustration (et non pas une « jalousie », comme d'autres le prétendront) à l'égard de notre société de privilèges ? Ne croyez-vous pas qu'une personne ayant droit à ne serait-ce qu'un repas par jour, des conditions de travail viables ainsi que l'accès à l'éducation pour ses enfants serait moins encline à prendre les armes et à se rebeller ?

Notre civilisation ? Nos progrès technologiques ? Ils me semblent bien petits quand je les compare à nos valeurs morales, ou à nos priorités. Cette si chère « civilisation », elle me semble bien pauvre quand je regarde la montagne de cadavres sur laquelle elle a été bâtie. Elle me semble encore plus pauvre quand je constate à chaque jour la consécration avec laquelle nous analysons les problèmes des autres, pourtant causés en grande partie par nous.

*Tant de villes rasées, tant de
nations exterminées,
tant de millions d'hommes passés
au fil de l'épée,
la plus riche et la plus belle partie
du monde bouleversée,
pour faire le trafic des perles et du
poivre :
méprisables victoires.*
- Montaigne ■

LSA ELECTIONS NOTICE

The Law Students' Association is currently accepting nominations for the following positions:

President (1)	VP Finance (1)	Law II Class President (2)
VP Academic (1)	VP Human Resources* (1)	Law III Class President (2)
VP Athletics (1)	*formerly VP Administration	Law IV Class President (2)
VP Clubs & Services (1)	VP Internal (1)	Law III Valedictorian (1)
VP External (1)	VP Public Relations (1)	Law IV Valedictorian (1)

Nomination forms are available outside the LSA office. Nominations close at 5 p.m. on Friday, March 12th. Campaign period will be March 22nd and 23rd. Voting period will be March 24th and 25th.

AVERTISSEMENT des ÉLECTIONS de l'AÉD

L'Association des étudiantes et étudiants en droit vous invite à soumettre votre candidature aux postes suivants :

Président (1)	VP Relations externes (1)	Président de classe, Droit II (2)
VP Académique (1)	VP Relations internes (1)	Président de classe, Droit III (2)
VP Athlétique (1)	VP Relations publiques (1)	Président de classe, Droit IV (2)
VP Clubs & Services (1)	VP Ressources humaines* (1)	Valedictorian, Droit III (1)
VP Finance (1)	*autrefois VP Administration	Valedictorian, Droit IV (1)

Les formulaires de candidature sont disponibles au bureau de l'AÉD. L'échéance de la période de candidature est le vendredi 12 mars à 17h00. La période électorale sera les 22 et 23 mars. La période de

In from the Cold

by Edmund Coates (Alumnus II)

When I mentioned that I was going to Ottawa to join in the March of Hearts, I was asked "why the insistence on marriage?". Why do same-sex couples across Canada want access to marriage, not just civil unions? The answer is simple. They want to be welcome at the same door as the neighbours and the rest of the family.

In rural Newfoundland, it was usually family or neighbours who came calling. So, before 1949, many Newfoundlanders only saw the need for one entrance to their

house. Then, Newfoundland joined Canada. Suddenly, if a Newfoundlander wanted to get a government-insured mortgage on her new house, the house had to meet Canadian building standards. These standards demanded that a house have at least two entrances.

In many cases, the owners of the post-1949 houses did not bother putting any path, steps or railings up to the surplus door. With the biased humour of the time, people quickly came to call these token doors the "mother-in-law door". Classically, humour drew the

mother-in-law as a slightly irritating figure: a woman who did not know her place.

A civil union offers same-sex couples something a bit like a mother-in-law door. It's a door; it serves the function of recognising their long-term commitments of love and responsibility. But it's not the family entrance. Marriage carries the symbolic weight in our society.

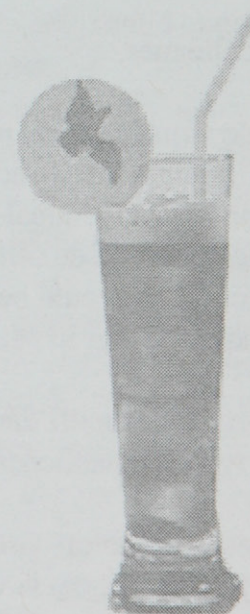
We need to rid Canadian law of its persisting mother-in-law doors and servants' entrances, not introduce new ones. Access to marriage across Canada will say to same-sex couples that they are nearing the end of a thousand-year journey; a journey to equality, respect and dignity, as fellow parents, fellow workers and fellow citizens. ■



McGill Law Journal Coffee House

*Come join us in our celebration
of the First Issue of Volume 49*

THURSDAY MARCH 11TH - ATRIUM
Beer • Food • Long Island Iced Teas



Ratio Decidendi:

Re Students v. The Status Quo, Part II

by John Haffner and Jason MacLean (Law I)

The Faculty is once again buzzing with visions of change and renewal. Warm and fuzzy feelings abounded, both before and after the final sponsored coffee house of the semester. The cause of all this good will and optimism? A future without the stigma of grades. A future devoted to the pursuit of real learning and community involvement. A future we are now poised to make happen.

It won't be easy, mind you, but we can accomplish this lofty, laudable project; we certainly have absolutely nothing to lose by trying. We have raised the strongest objections and we have, we believe, met them successfully (but judge for yourself by reading, if you haven't already, our article in last week's Quid). So what is the next step?

Students **MUST** push this initiative forward as a group. We must convince the Faculty that replacing grades with a Distinction-Pass-Fail system is not only in our best interests (both pedagogically and professionally) but also for the best interests of the Faculty and, indeed, the McGill name, our chief asset. To do this, we must

show the Faculty that we are serious, and to do this we must begin by demonstrating a broad base of student support for assessment reform.

To this end, we propose circulating a petition that poses the following two questions:

Do you support replacing the present grading system with a Distinction-Pass-Fail structure?

Do you, as a first-year law student, support the retroactive conversion of your grades into the categories of Distinction, Pass, and Fail?

It only makes sense to go forward with this proposal if at least 70% of the students support it. We must therefore determine, as soon as possible, the level of support that exists among us for this change.

So, what can **YOU** do? One or more of several things, including (but of course not limited to):

Volunteer to serve at a petition station

situated in the Faculty for one (1) hour. We already have several volunteers, but we need several more to ensure that every student in the Faculty has the opportunity to consider the questions and sign (or not) the petition. If you are interested in volunteering but an hour of your time, send an e-mail to jason.macleam@mail.mcgill.ca at your earliest convenience.

Re-read our article from last week's Quid and raise with us any questions or concerns that you have with this proposal. We need student input just as much as support.

Discuss this initiative with fellow students and Faculty members.

Stay tuned to our column for further details. Next week, we will share our ideas on how to sell this project to the Faculty and the Legal Community. In doing so, we will also provide a detailed account of how this initiative has been successfully undertaken at Berkeley and Yale.

An even better legal education and experience is possible. The time to make it happen is now. Get involved – it's your education. ■

Skit Nite Contributions

Cher collègues,

Comme vous le savez, nous nous rapprochons de *Skit Nite*, l'un des événements sociaux les plus importants de l'année à notre Faculté (l'autre étant l'orientation). In addition to showcasing the many talents found within our fine Faculty, *Skit Nite* endeavors to give back to the community by supporting Montreal-area charities. Cela dit, son succès ne peut être réalisé qu'avec la générosité des étudiant(e)s et professeur(e)s de la Faculté, ainsi que de celle de la communauté montréalaise en général, à qui nous demandons de s'impliquer. Should you have family or friends who you think would be interested in contributing to this year's *Skit Nite* program, in the form of an advertisement or a donation, feel free to let us know either in person or via e-mail.

Tout argent recueilli durant cette soirée sera versé à 5 organismes qui travaillent pour améliorer le sort de gens en besoin à Montréal: Old Brewery Mission, Generations Foundation, Share the Warmth, Dans la Rue et Chez Doris.

Veuillez contacter Gino Caluori (gino.caluori@mail.mcgill.ca), Lainy Destin (lainydestin@yahoo.com) et Erica Solomon (vp-pr.lsa@elf.mcgill.ca) si vous voulez vous impliquer.

A Tribute to Professor Klinck's 20 Years at McGill

by Michael Hazan (Law II)

Who would have thought that Professor Dennis Klinck, winner of the law faculty's outstanding teacher award in 2001 and a nominee in 2003-2004, almost became a doctor? When he was a student at the University of Alberta, Professor Klinck was accepted into medical school three times before the university sent him a cease and desist letter after he wasn't sure if he was ready for the medical profession. Things might have turned out differently for Professor Klinck, as well as countless McGill students, if he would have chosen that path instead of going to law school. Upon graduating from law school, Professor Klinck went to clerk for Bora Laskin at the Supreme Court and is now celebrating his 20th anniversary at the faculty.

When he began teaching law at McGill in 1983, Professor Klinck did not find it especially difficult because he used his previous background in teaching English literature to ease the transition to law.

"Teaching was not hard, because McGill law students have always been highly motivated and I enjoy it when students are engaged and involved in the subject," said

Klinck. Also, in comparison to English literature students, law students have always been more demanding and he appreciates questions that could potentially knock him off balance.

The Common Law Property and Equity and Trusts professor has many fond memories of McGill and cites his interaction with the students as his greatest pleasure. However, not all of Professor Klinck's exchanges have been pleasant. Many years ago at Skit Nite, he was given a 'pink belly' as he was violently assaulted on stage. Instead of fighting back, he strategically exacted his revenge on the student by using the incident as the basis of a question on a Criminal Law exam. The fact pattern featured the professor dying after choking on his previously consumed Schwartz's dinner and pondered the criminal responsibility of the student. He added that the incident didn't stop him from performing in other Skit Nites and he is open to performing this year, should his singing voice be required.

When asked if he could see himself at McGill for another 20 years, Professor Klinck responded "my daughter wants to go to university in the US, so if she goes, then I would probably need to keep working to pay that off

but if I can convince her to go to McGill, then probably not."

For his twentieth anniversary at McGill, Professor Klinck will receive an engraved folding brass clock as a token of the University's appreciation for his dedication. Having never received a clock before, Professor Klinck is excited to see if it belongs in his third floor office or in his private study at home. He appreciates the university's gesture, but with respect to teaching, he cares more about whether his students are interested in the material and if he can create a rapport with them.

He also doesn't mind listening to his student's legal problems should the need arise. Klinck recalled that after one of his criminal law classes, a student came to him. She explained that she had been given a ticket for going through a stop sign and said "I really had to get home to go to the bathroom, so I couldn't stop. Do you think I can use the necessity defense?"

So the next time you see Professor Klinck walking the halls, congratulate him on his twentieth anniversary at the faculty, even if you are rushing to the bathroom. ■

Video Killed, Etc.

by Sarom Bahk (Law I), Caroline Kim (Law I) and Delphine Lourtou (Law I)

Love the idea of expressing your views over the airwaves? Not satisfied with the scanty social/political/cross-cultural treatment of legal issues in class? Wondering how the concepts learned in class apply to this city, or this campus? Want to hone your public speaking skills before a non-judgmental (read: non-existent) audience?

Welcome to LegalEase, McGill Law's own weekly radio show. As initiates to both law school and the wonderful medium that is radio, LegalEase has provided us with a fun and compelling discussion forum of contemporary legal issues, broadcast to a community audience on McGill's CKUT 90.3 FM.

Over the past few months, our team of budding radio junkies has researched, produced and hosted shows on topics ranging

from "Your rights on arrest" and female genital mutilation laws to "wrongful life" suits and the not-so-lovable eccentricities of Lord Denning. We have interviewed McGill law profs and students about their fields of expertise, but it doesn't have to stop there.

The Faculty of Law, as is continuously emphasized by the brochures, is made up of bright, interesting people with myriad backgrounds in the arts, politics, science, activism, and culture. Each of our classmates is a walking, talking potential show. We want to tap these resources.

If you have a question you want answered, or an issue you feel should be discussed, or think you are an expert about something, come join us! You can host a show, or just do some research, or help out with a pre-recorded interview. You can also tell us what legal topics we should be cover-

ing - we are always on the lookout for good ideas. CKUT offers a very supportive environment to bring your most innovative sonic projects to life, with helpful staff, sophisticated sound equipment and the training workshops you need to add sound engineering skills to your resume.

If you're interested or even think you might be, please, please do not hesitate to contact us. You can sit in on a show to see how you like being a radio star - you'll get hooked!

The show, like the station, is completely informal. It takes place at 11:30 on Fridays and lasts half an hour. Contact us at legalease@ckut.ca. You can listen to our shows by tuning in live or by checking CKUT's archives online at www.ckut.ca. ■



Put
yourself
in our
shoes.

Are you passionate about law and eager to work along side some of Canada's brightest legal minds with top-level clients?

Then McCarthy Tétrault may be the right fit for you.

According to *Chambers Global*, McCarthy Tétrault "dominates the Canadian legal market." We are also internationally acclaimed by other authoritative guides for our role in some of the most important business transactions and legal decisions in the world.

To find out more about our articling or summer student positions, log on to:
www.mccarthy.ca/therightfit/en.

Then, prepare to kick-start your career.

McCarthy
Tétrault
mccarthy.ca/therightfit

McCarthyTétrault LLP